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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,621	12/21/2000	Carolynn Rae Johnson	PU000179	7826

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/742,621

Applicant(s)

JOHNSON, CAROLYNN RAE

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 8, 9, 12, 13 and 14 are objected to because of the following informalities:

Claim 8 is a system claim, therefore in line 1, "the steps of", should be removed.

Claims 12-14 are listed as dependent upon claim 7. Based upon the formatting of applicants other claims, it is assumed that claims 12-14 are in fact meant to be dependent upon claim 8. In claims 12-14, line 1, "claim 7" should be changed to --claim 8--. Appropriate correction is required.

In claims 9 and 14, line 1, "method" should be changed to --system--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 2, 3, 7, 8, 9, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (6,163,316), in view of Arai et al. (Arai) (US2002/0073425).

As to claim 1, Killian discloses a method of processing program guide information (column 2, lines 1-12), comprising the steps of: **entering** user processing request information (Fig. 6, step 207; column 16, lines 25-30); and **processing** (using suggest module, 76) program guide information based on entered user processing request information (Fig. 6, steps 208, 210 and 212; column 16, lines 31-50). While Killian discloses displaying the processed result (Fig. 5, column 10, lines 66-67 and column 11, lines 1-21), he fails to specifically disclose displaying the result in a dedicated channel.

Arai discloses a system which will process an EPG to find a viewer's preferred programming and then display the information in a customized channel (Fig. 4, My Channel; paragraph 109) for the advantage of displaying preferred programming to a viewer without the need to change channels (paragraph 116).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Killian's system to include displaying the result in a dedicated channel, as taught by Arai, for the advantage of displaying preferred programming to a viewer without the need to change channels.

As to claim 8, Killian discloses a system for processing program guide information (Fig. 1; column 2, lines 1-12), comprising the steps of: a **user controller** (Fig. 1, input device, 42; column 4, lines 47-50) for entering user processing request information (Fig. 6, step 207; column 16, lines 25-30); and a **microprocessor** (Fig. 1,

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processor 8; column 8, lines 36-39) for processing (using suggest module, 76) program guide information based on entered user processing request information (Fig. 6, steps 208, 210 and 212; column 16, lines 31-50). While Killian discloses wherein said microprocessor causes the displaying of the processed result (Fig. 5, column 10, lines 66-67 and column 11, lines 1-21), he fails to specifically disclose displaying the result in a dedicated channel.

Arai discloses a system which will process an EPG to find a viewer's preferred programming and then display the information in a customized channel (Fig. 4, My Channel; paragraph 109) for the advantage of displaying preferred programming to a viewer without the need to change channels (paragraph 116).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Killian's system to include displaying the result in a dedicated channel, as taught by Arai, for the advantage of displaying preferred programming to a viewer without the need to change channels.

As to claims 2 and 9, Killian and Arai disclose wherein the step of displaying processed result in a dedicated channel further comprising the step of first arranging the processed result into respective time slots (See Arai at Figures 3 and 4; paragraphs 109 and 111; wherein only one program is selected for a given time period).

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As to claims 3 and 10, Killian and Arai disclose the step of displaying in the dedicated channel only one program in a respective time slot from the processed result (See Arai at Figure 4).

As to claims 7 and 14, Killian and Arai disclose wherein the dedicated channel is displayed along with other channels in a program guide (see Arai and Figs. 4 and 6).

4. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian and Arai as applied to claim 3 above, and further in view of Vallone et al. (Vallone) (6,642,939) and Satterfield et al. (Satterfield) (6,564,378).

As to claims 4 and 11, while Killian and Arai disclose the displaying of other preferred programming for a respective time slot (See Arai at Fig. 6, paragraph 112, lines 6-13), they fail to disclose wherein the highlighting of a particular program in a time slot will result in other programs in the same time slot being displayed.

Vallone discloses an EPG system which will display other programming when the currently playing program on a channel is highlighted (Fig. 28; column 22, lines 42-53 and column 23, lines 31-38) for the advantage providing a viewer with a way to intuitively search an EPG for other programming (column 1, lines 66-67 and column 2, lines 1-3).

Satterfield discloses an EPG which will display a plurality of program choices for the current (same) time slot (Fig. 5, column 6, lines 30-52) for the advantage allowing a

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viewer to rapidly browse the listings of currently available programming (column 6, lines 48-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Killian and Arai's system to include displaying other programming when the currently playing program on a channel is highlighted, as taught by Vallone, for the advantage providing a viewer with a way to intuitively search an EPG for other programming.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Killian, Arai, and Vallone's system to include wherein the other displayed programs are in the same time slot, as taught by Satterfield, for the advantage allowing a viewer to rapidly browse the listings of currently available programming.

5. Claims 5, 6, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian and Arai as applied to claims 1 and 7 above, and further in view of Schein et al. (Schein) (6,133,909).

As to claims 5 and 12, while Killian and Arai disclose entering user processing request information (Fig. 6, step 207; column 16, lines 25-30), they fail to specifically disclose wherein the user request comprises a request for suggesting a program.

Schein discloses a system wherein programming is recommended automatically or upon a user's request for programming suggestions (Fig. 8, step 835; column 11,

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lines 29-37) for the typical advantage of allowing a user more control over the program guide system.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Killian and Arai's system to include wherein the user request comprises a request for suggesting a program, as taught by Schein, for the typical advantage of allowing a user more control over the program guide system.

As to claims 6 and 13, while Killian and Arai disclose entering user processing request information (Fig. 6, step 207; column 16, lines 25-30), they fail to specifically disclose wherein the user request comprises selecting a search of program guide information based on user-entered text.

Schein discloses a system for recommending programming wherein an EPG is searched based upon words or characters entered by a user (column 13, lines 21-48) for the advantage of allowing a user to search a program guide using any information relevant to a particular program (column 13, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Killian and Arai's system to include wherein the user request comprises selecting a search of program guide information based on user-entered text, as taught by Schein, for the advantage of allowing a user to search a program guide using any information relevant to a particular program.

Conclusion

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6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
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Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS


CHRIS GRANT
PRIMARY EXAMINER